

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

HENRY C. GRANDSTAFF

PLAINTIFF

v.

CASE NO.: 4:07CV01108 -JMM-BD

CAROLYN OLIVER, *et al.*

DEFENDANTS

RECOMMENDED DISPOSITION

I. Procedure for Filing Objections

The following recommended disposition has been sent to United States District Judge James M. Moody. Any party may serve and file written objections to this recommendation. Objections should be specific and should include the factual or legal basis for the objection. If the objection is to a factual finding, specifically identify that finding and the evidence that supports your objection. An original and one copy of your objections must be received in the office of the United States District Court Clerk no later than eleven (11) days from the date you receive the Recommended Disposition. A copy will be furnished to the opposing party. Failure to file timely objections may result in waiver of the right to appeal questions of fact.

Mail your objections and “Statement of Necessity” to:

Clerk, United States District Court
Eastern District of Arkansas
600 West Capitol Avenue, Suite A149
Little Rock, AR 72201-3325

II. Background

On November 14, 2007, Plaintiff Henry C. Grandstaff filed a Motion for Leave to Proceed *In Forma Pauperis* (docket entry #1) and a Complaint (#2) under 42 U.S.C. § 1983. The motion to proceed *in forma pauperis* was granted, and Plaintiff was ordered to make monthly payments until the filing fee was paid in full (#3). After the filing of Defendants' Answer (#8), a Scheduling Order (#9) was entered on January 24, 2008, setting an evidentiary hearing on June 25, 2008.

Plaintiff is no longer incarcerated at the Faulkner County Detention Center as evidenced by returned mail to the Court (#11, #14). When plaintiffs proceeding *in forma pauperis* are released from confinement, they must submit current information regarding their financial status so that the Court can determine whether they should be required to pay the remaining filing fee and costs of the lawsuit.

Accordingly, on February 12, 2008, the Court ordered Plaintiff to submit a new request to proceed *in forma pauperis* or to pay the remaining filing fee to the Court in order to proceed with this lawsuit (#12). The Court warned Plaintiff that failure to comply with the Order could result in dismissal of this action under Local Rule 5.5(c)(2) of the Eastern District of Arkansas and the Federal Rules of Civil Procedure. Plaintiff has not responded to the Court's Order and the time for doing so has passed. Plaintiff has further failed to inform the Court and other parties in this proceeding of his new address as required by Local Rule 5.5(c)(2).

III. Conclusion

The Court recommends that the District Court dismiss the Complaint without prejudice, under Local Rule 5.5(c)(2), for failure to comply with the Court's Order of February 12, 2008 (#12).

DATED this 27th day of March, 2008.



UNITED STATES MAGISTRATE JUDGE